

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SOUTHWESTERN BELL  
TELEPHONE COMPANY D/B/A  
AT&T TEXAS,

Plaintiff,

v.

F. CARY FITCH D/B/A  
AFFORDABLE TELECOM,

Defendant.

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CIVIL ACTION NO. 4:09-CV-1548

**FINAL JUDGMENT**

Although the parties made good faith efforts to meet the Court's deadline on submission of a proposed judgment, the proposed final judgments that have been submitted do not conform with the requirements of Federal Rule of Civil Procedure 54(a). The Court will not enter a judgment with detailed findings of the nature requested. In accordance with the Memorandum and Order issued July 22, 2011 [Doc. # 69], as supplemented by the Lenhart Declaration dated July 27, 2011 [Doc. # 70], and the record in open court at the conference on July 28, 2011, it is hereby

**ORDERED, ADJUDGED, AND DECREED** that Final Judgment is entered in favor of Plaintiff Southwestern Bell Telephone Company d/b/a AT&T Texas and

against Defendant F. Cary Fitch d/b/a Affordable Telecom on the claims as stated in the Court's Memorandum and Order [Doc. # 69] in the amount of \$1,781,611.15. It is further

**ORDERED, ADJUDGED, AND DECREED** that Defendant take nothing on the remaining counterclaims as held in the Court's Memorandum and Order [Doc. # 69]. It is further


**ORDERED, ADJUDGED, AND DECREED**, in accordance with the parties' representations on the record in open court at the conference on July 28, 2011, that the claims on which summary judgment was denied in the Memorandum and Order [Doc. # 69] have been settled without prejudice to any party.

Taxable costs are assessed against Defendant in accordance with Federal Rule of Civil Procedure 54(d).

This Judgment shall bear interest at the statutory rate of 0.18% from date of judgment until paid.

This is a final, appealable judgment.

SIGNED at Houston, Texas, this 29<sup>th</sup> day of **July, 2011**.

  
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Nancy F. Atlas  
United States District Judge